

IN THE
UNITED STATES COURT OF APPEALS
FOR THE
FOURTH CIRCUIT

UNITES STATES OF AMERICA,)	
Appellee)	
)	
v.)	Appeal No. 19-4553
)	
)	
THOMAS GILLEN,)	
Appellant)	

MOTION TO DECONSOLIDATE APPEALS

Comes now the Appellant, by and through the undersigned Counsel, and moves this Honorable Court to deconsolidate Appeal No. 19-4553 (Gillen) from the lead case, Appeal No. 19-4550 (Miselis). In support of this motion, undersigned Counsel states as follows:

1. Attorney Invictus filed his Notice of Appearance in Mr. Gillen's appeal on 23 August 2019 and received the case file and evidence from trial counsel on 16 September 2019.

2. Attorney Invictus has not had the opportunity to review this case in full and is not prepared to file an initial brief.

3. Moreover, Attorney Invictus expects to raise separate issues on appeal than will be presented by Attorneys Lorish and Tarlton, including the heckler's

veto doctrine and the statute's conflicts with the rights of free speech and of assembly.

4. Attorney Invictus therefore plans to move for a twenty-one-day extension of time to file Appellant Gillen's initial brief.

5. Attorneys Lorish and Tarlton received a continuance to file their initial brief and appendix until 27 September 2019 and object to any additional continuance. They intend to file a motion for accelerated case processing.

5. All Appellants agree to deconsolidation of Appellant Gillen's appeal from the joint appeal of Appellants Daley and Miselis.

Attorney Invictus spoke with AUSA Laura Rottenborn, who indicated that she opposes this Motion to Deconsolidate.

For the above-stated reasons, Appellant Gillen through undersigned Counsel respectfully requests that the Court deconsolidate Appeal No. 19-4553 (Gillen) from the lead case, Appeal No. 19-4550 (Miselis).

Respectfully submitted,

/s/ Augustus Invictus
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CERTIFICATE OF SERVICE

I hereby certify that on 18 September 2019, I electronically filed the foregoing motion of Appellant with the Clerk of the Court using the CM/ECF System, which will send notice, and constitute service, of such filing to the following registered CM/ECF users: Laura Rottenborn, Assistant United States Attorney, Counsel for the Appellee; Raymond Tarlton, Counsel for Appellant Michael Miselis; and Lisa Lorish, Counsel for Appellant Benjamin Daley.

/s/ Augustus Invictus
Augustus Invictus, Esq.